

# Exhibit A



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# Transcript of Vien-Phuong Nguyen

**Date:** February 7, 2025

**Case:** Headwater Research LLC -v- Samsung Electronics Co, Ltd, et al.

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS, MARSHALL DIVISION

HEADWATER RESEARCH LLC, :  
Plaintiff, :  
vs. : Case No.  
SAMSUNG ELECTRONICS, CO., LTD, : 2:23-CV-00641  
et al., :  
Defendants. :  
X

VIDEOTAPED DEPOSITION OF VIEN-PHuong NGUYEN

Via Zoom Videoconference

Friday, February 7, 2025

Stenographically Reported by:  
JUSTYNE N. JOHNSON  
RPR, CSR. No. 14301  
  
Job No. 570342  
  
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3       The Deposition of VIEN-PHUONG NGUYEN, was taken on  
4       behalf of Defendants, all parties appearing remotely via  
5       Zoom videoconference, beginning at 1:04 p.m., Pacific  
6       time, on February 7, 2025, before JUSTYNE JOHNSON, RPR,  
7       Certified Shorthand Reporter No. 14301.  
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1 light of the ItsOn software? 15:37:07

2 A I guess that's my interpretation since I -- I map 15:37:09

3 it exactly by how we built the software. Because I -- I 15:37:12

4 understand, you know, that part -- that interpretation the 15:37:15

5 best. 15:37:18

6 Q Okay. But, for instance, if an expert were to 15:37:18

7 testify in court that there would be another way to meet 15:37:21

8 the claim limitations, you wouldn't have any way to 15:37:23

9 dispute that; right? 15:37:26

10 MR. GREEN: Objection. Leading. And lacks 15:37:28

11 foundation. 15:37:30

12 BY MR. KROEGER: 15:37:36

13 Q You can answer. 15:37:36

14 A I'm sure there's plenty of people that are 15:37:38

15 smarter than me, so... 15:37:40

16 Q And so if -- and so it's possible there might be 15:37:41

17 another way to interpret the claims and -- than -- than 15:37:44

18 how you testified earlier; correct? 15:37:47

19 A Sure. Certainly. 15:37:49

20 Q And you were asked a lot of questions about the 15:37:52

21 ideas in the '918 patent. The '918 patent is 118 pages; 15:37:55

22 correct? 15:38:03

23 A I would -- yeah. 118 page, yes. 15:38:05

24 Q And has -- if we look at the -- page 117, it has 15:38:09

25 128 columns of specification; correct? 15:38:13

1 A That's correct. 15:38:16

2 Q And is it true that you have not read all 128 15:38:17

3 columns of the specification? 15:38:21

4 A I only read what we were pointed to today. 15:38:23

5 Q Okay. And so is it fair to say that you are not 15:38:27

6 fully aware of all of the ideas that are in the '918 15:38:32

7 patent? 15:38:36

8 MR. GREEN: Objection. Leading. Calls for a legal 15:38:36

9 conclusion. 15:38:39

10 BY MR. KROEGER: 15:38:39

11 Q And this is what -- are you aware of all of the 15:38:40

12 ideas that are in the '918 patent? 15:38:43

13 MR. GREEN: Objection. Leading. 15:38:45

14 THE WITNESS: I don't know what the remaining parts 15:38:49

15 say because I haven't read it. 15:38:52

16 BY MR. KROEGER: 15:38:53

17 Q Okay. And when you were talking about the ideas 15:38:53

18 in the '918 patent, were you comparing it to your memories 15:38:56

19 of the ItsOn software? 15:39:00

20 A Yes. 15:39:01

21 Q And if there are differences between the ideas in 15:39:02

22 the '918 patent and the ItsOn software, do you know 15:39:06

23 what -- what those are, sitting here today? 15:39:10

24 MR. GREEN: Objection. Leading. Calls for a legal 15:39:11

25 conclusion. 15:39:19

1           THE WITNESS: I mean, it's -- it's a loose mapping           15:39:19  
2           between what was written there and, you know, what we           15:39:22  
3           built. So I -- I can't describe what we built in exact           15:39:25  
4           detail, but I can only make a fuzzy mapping to what was           15:39:28  
5           written here.   15:39:32

6           BY MR. KROEGER:   15:39:35

7           Q       And I think you agreed with Mr. Green that the           15:39:35  
8           Android operating system changes over time; correct?           15:39:39

9           A       Yes.   15:39:43

10           Q       And have you done -- and you've not done any           15:39:45  
11           analysis as to whether the Android operating system as it           15:39:48  
12           exists today uses any of the claims of the '918 patent;           15:39:52  
13           correct?   15:39:57

14           A       I haven't looked at the Android OS internal since           15:39:57  
15           I left ItsOn because my new role operate in an entirely           15:40:02  
16           different space.   15:40:05

17           Q       Do you know if -- and what is an "APK"?           15:40:10

18           A       Application package -- what's the case network?           15:40:14  
19           I forgot. Application package something.                   15:40:19

20           Q       Okay. And what is an APK used for typically?           15:40:20

21           A       So -- to package an app so that it can be   15:40:24  
22           distributed typically to Google -- Google Play Store.           15:40:27

23           Q       Did ItsOn have an APK?                           15:40:32

24           A       It has as a -- so there are many component to the           15:40:35  
25           client-side software. There are the part that I work on           15:40:40

1 heavily, which is the part integrated with OS itself. So 15:40:46  
2 those are big unto device itself. But we also have an 15:40:49  
3 APK, which is kind of like the user-facing agent, where 15:40:53  
4 the user can interact with the software, that can push its 15:40:56  
5 plan, they can look at account. So that is an APK that's 15:40:59  
6 shipped through the Play store. Because that part, we 15:41:04  
7 want to be in update regularly. 15:41:06

8 Q Do you know if Samsung ever gained access to the 15:41:07  
9 ItsOn APK? 15:41:12

10 MR. GREEN: Objection. Leading. 15:41:12

11 THE WITNESS: I don't know what that referring to or 15:41:16  
12 which level because we always provide all the software to 15:41:18  
13 be -- for testing prior to any device release or major 15:41:22  
14 update. 15:41:26

15 BY MR. KROEGER: 15:41:26

16 Q Is there any reason -- so when you were at ItsOn, 15:41:29  
17 you worked with Samsung; correct? 15:41:33

18 A Yes. I work -- 15:41:35

19 MR. GREEN: Objection. Leading. 15:41:36

20 BY MR. KROEGER: 15:41:39

21 Q Did you work with Samsung while you worked at 15:41:39  
22 ItsOn? 15:41:41

23 A Yeah. I work with the Samsung engineer mostly 15:41:41  
24 for testing and, you know, fixing issues that come up. 15:41:44

25 Q And as -- as far as you're aware, is there any 15:41:47

1 )  
2 STATE OF CALIFORNIA )  
3 )

4 CERTIFICATE OF REPORTER

5 I, JUSTYNE N. JOHNSON, do hereby certify that the  
6 witness in the foregoing deposition was by me duly  
7 affirmed to tell the truth, the whole truth and nothing  
8 but the truth in the within-entitled cause; that said  
9 deposition was taken at the time and place therein stated;  
10 that the testimony of said witness was reported by me and  
11 was thereafter transcribed under my direction and  
12 supervision; that the foregoing is a full, complete and  
13 true record of said testimony; that the witness was given  
14 an opportunity to read and, if necessary, correct said  
15 deposition and to subscribe the same.

16 I further certify that I am not of counsel or  
17 attorney for any of the parties in the foregoing  
18 deposition and caption named, or in any way interested in  
19 the outcome of the cause named in said caption.

20 IN WITNESS WHEREOF, I have hereunto set my hand  
21 this 7th day of February, 2025.

22  
23 Justyne Johnson

24 JUSTYNE N. JOHNSON, CSR NO. 14301  
25